IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4912 of 2007()

CRIME NO.586 OF 2007 OF PATHANAMTHITTA POLICE

: PETITIONER/ACCUSED NO.3(IN CUSTODY)

NAJEEB, S/O MYTHEENKUNHU,
NAJIMA MANZIL, KANNANKARA,
PATHANAMTHITTA VILLAGE & DISTRICT.

BY ADV. SRI.K.RAVEENDRAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4912 of 2007

Dated this the 14th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 489 B & C I.P.C. 61 X 100 counterfeit currency notes were seized from the possession of the 1st accused. On interrogation of the 1st accused, police got clue of the 2nd accused from whom the 1st accused is alleged to have received the counterfeit currency notes. The 2nd accused was traced and arrested. As the interrogation furnished information to the police that the 2nd accused had received currency notes from the petitioner ie. the 3rd accused, 3rd accused, the petitioner was arrested on 28.07.07. His interrogation confirmed the chain already traced and that in turn led the police to a person in Kasaragod by name Sheikh, who had allegedly supplied the counterfeit currency notes to the petitioner herein who in turn had allegedly handed it over to the 2nd accused. The police have a case that when the said person in Kasaragod(Sheikh) was contacted using the mobilephone of the petitioner, prompt came query as to whether all notes have been distributed - thereby allegedly confirming the worst apprehensions about the involvement of the petitioner. Investigation is not complete. Sheikh in Kasaragod has not been apprehended so far. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Nothing has been recovered from his possession or on the basis of the confession statement allegedly made by him. Merely because the police asserts that the 2nd accused had made a confession which implicates the petitioner and that the petitioner had made a confession which confirms such implication, the petitioner cannot be kept in custody indefinitely. It is prayed that the petitioner, who has remained in custody from 28.07.07 may now be enlarged on bail subject to appropriate conditions.

3. The learned Public Prosecutor opposes the application. The crime alleged is very grave and serious. The investigator must be given reasonable time to complete the investigation. The higher links in the distribution chain has to be ascertained and busted. The police have not been able to do it by now. Release of the petitioner at this early stage would hamper the smooth course of the investigation.

4. Having considered all the relevant inputs, I find merit in the opposition. I am satisfied that this is not a fit case where the petitioner can be released on bait at this early stage of investigation. In coming to this conclusion, I have taken into account the totality of circumstances including the nature and gravity of the allegations, stage of investigation, as also the quantum and quality of the data collected.

This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 30.08.07. The police shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-